

ORDINANCE NO. 1785-13

AN ORDINANCE REPEALING AND REENACTING CHAPTER
22, ARTICLE VIII, AND AMENDING CHAPTER 38, SECTION 22 OF
THE REVISED MUNICIPAL CODE OF THE VILLAGE OF NORRIDGE - 2002

An Ordinance Reenacting Weapons Dealers Licensing
and Amending Associated Fees and Penalties

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WHEREAS, the Village of Norridge ("Village"), as a home rule municipality in accordance with Article VII Section 6(a) of the Constitution of the State of Illinois of 1970, is enacting this Ordinance pursuant to its home rule authority; and

WHEREAS, the 2002 Revised Municipal Code of the Village ("Code") contains regulations governing the licensing of weapons dealers in Chapter 22, Article VIII and setting a fee for such licenses in Chapter 38, Section 22; and

WHEREAS, there are at least four other firearms dealers in the Village's relevant market area, including those in the suburbs of Lincolnwood, Franklin Park, Des Plaines, and Melrose Park, who can serve Village residents' needs; and

WHEREAS, the Village Board of Trustees wishes to update and enhance the licensing and zoning for weapons dealers, by removing the limit on the maximum number of licenses, allowing weapons dealers as a special use in the B-3 General Business District, and prohibiting weapons dealers near sensitive places; and

WHEREAS, schools, government buildings, parks, and places of worship have been recognized as "sensitive places" where handgun possession may be prohibited in accordance with the Second Amendment; and

WHEREAS, areas surrounding sensitive areas have been recognized as sensitive areas in their own right; and

WHEREAS, a prohibition on firearm possession within 1,000 feet of a sensitive area furthers the substantial government interest of protecting citizens from gun violence in and around sensitive places (See e.g., Gun Free School Zones Act, 18

U.S.C. § 922(q)(1)(prohibiting possession of a firearm that has moved in interstate commerce, within 1,000 feet of the grounds of a public, parochial, or private school); and

WHEREAS, a study of all school shootings from 1986-1990 found that a sizeable number of incidents occurred in areas outside and around school buildings, including on school grounds (15%), adjacent property (9%), and the school parking lot (5%) (Center to Prevent Handgun Violence, "Caught in the Crossfire: A Report on Gun Violence in Our Nation's Schools, September 1990"); and

WHEREAS, the Village desires to prohibit weapons dealers within 1,000 feet of schools, government buildings, parks, and places of worship in order to reduce the risk of accidental or purposeful use of weapons near sensitive areas; and

WHEREAS, the amendments set forth below improve the health, safety, and welfare of the Village, and are substantially related to the Village's important government interest in protecting residents and visitors from the accidental or purposeful discharge of firearms in and around sensitive areas.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Norridge, Cook County, Illinois:

Section 1.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2.

Chapter 22, Article VIII is hereby repealed and Chapter 22, Article VIII shall be reenacted in its place as follows:

ARTICLE VIII. WEAPONS DEALERS

Sec. 22-361. Definitions.

Sec. 22-362. Weapons dealers prohibited near sensitive areas.

Sec. 22-363. License.

Sec. 22-364. Conditions for issuance and maintenance of license.

Sec. 22-365. Report of sale.

Sec. 22-366. Denial; revocation.

Sec. 22-367. Administrative appeal.

Sec. 22-368. Construction.

Sec. 22-369. Severability.

Sec. 22-370. Preemption.

Sec. 22-361. Definitions.

The following words, terms and phrases as used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Air rifle means and includes any pneumatic gun, air gun, air pistol, spring gun, spring pistol, BB gun, paintball gun, pellet gun or any similar device which uses a spring, pneumatic device, compressed air or compressed gas to impel a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm. Paintball guns are defined separately herein.

Ammunition means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

1. Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required by the United States Coast Guard or the Interstate Commerce Commission;
2. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

Code means the Revised Municipal Code of the Village of Norridge - 2002, as may be amended from time to time.

Firearm means any device, by whatever name known, which is designed or may be readily converted to expel a projectile or projectiles by the action of an explosive or propellant, or by an expansion or escape of gas generated by the process of combustion or ignition, or the component parts of the foregoing, or any combination of component parts either designed or intended for use in converting any device into a firearm as described herein. The definition of "firearm" excludes:

1. Any safety device used exclusively for signaling or safety and required or recommended by the U.S. Coast Guard;

2. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar construction or industrial ammunition;
3. Model rockets designed to propel a model vehicle in a vertical direction;
4. Any air rifle, pneumatic gun, spring gun, paintball gun or BB gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors.

Licensee means a person granted a license as a weapons dealer by the Village pursuant to the Code.

Paintball gun means any air gun, air pistol or similar device that is designed and intended to use compressed air or gas to discharge a globular projectile filled with paint or similar marking liquid, or another liquid or substance.

Person means any individual, corporation, company, limited liability company, association, firm, partnership, club, society or joint stock company.

Weapons dealer means any person, including any person who is a pawnbroker, who:

1. Sells, rents or transfers firearms or their component parts;
2. Engages in the business of manufacturing firearms or their component parts for remuneration;
3. Sells or transfers ammunition at wholesale or retail;
4. Engages in the business of repairing firearms or making or fitting special barrels, trigger mechanisms, stocks or grips for firearms for remuneration;
5. Sells, loans, rents, exchanges, gives away or otherwise transfers for consideration:
 - A. any dagger, stiletto, billy, derringer, bowie knife, dirk, stun gun or taser, as defined in Section 24-1 of the Illinois Criminal Code, 720 ILCS 5/24-1 (collectively, "deadly weapons"), as may be amended from time to time, or their component parts; or
 - B. any other deadly weapon which can be carried or concealed on the person; or

C. any firearm or ammunition as those terms are defined in Chapter 22, Section 22-361 of the Code as may be amended from time to time.

Sec. 22-362. Weapons dealers prohibited near sensitive areas.

No weapons dealer may be located on property within one thousand feet (1,000') of the property boundary of any: a) public or private nursery, elementary, or secondary school; b) childcare facility; c) government building; d) public park, playground, playing field, forest preserve, or other recreational area; or e) place of religious worship.

Sec. 22-363. License.

A. *Required.* No person may engage in the business of a weapons dealer as set forth in this article within the corporate limits of the Village, without first having secured from the Village a weapons dealer's license.

B. *Application.*

1. An application for a weapons dealer's license shall be made in conformity with the general requirements of this Code relating to applications for licenses and this article.

2. All applications shall be made on the forms provided by the Village and shall include, at a minimum, the following information:

a. The full name and address of the applicant, or, if a corporation, the name and address thereof and the names of its principal officers and their residence addresses, or, if a partnership or unincorporated association, the name and address thereof and the names and residence addresses of each partner or member thereof; if a limited liability company, the names and residence addresses of each member of the limited liability company.

b. The location of the weapons dealer's establishment at which the sale of dangerous weapons, firearms and/or ammunition is proposed.

c. Evidence that the applicant has a current and valid firearms license issued by the United States Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives, along with the following information concerning the license:

i. The federal firearms license number;

- ii. The class of such license; and
 - iii. The expiration date of such license.
- d. A certification that no employee of the applicant actually involved in the sale or handling of the dangerous weapons, firearms and/or ammunition has been convicted of a felony.
- e. A properly executed agreement to indemnify, save and hold harmless the Village from any and all loss, cost, damage, expense, liability or other claim whatsoever related to any claim filed in connection with the sale or use of a firearm, ammunition, or deadly weapon, or the issuance of a weapons dealer's license by the Village.
- f. A sworn statement that the applicant will abide by and comply with the local, state and federal laws associated with the sale of firearms and deadly weapons.

C. *Fee.* The fee for a weapons dealer's license shall be as established by the fee ordinance in Chapter 22 of the Code.

D. *License term.* The term of a license issued pursuant to this article shall be for one year, subject to revocation as provided in Chapter 22 of the Code.

E. *Transfer restrictions.* A weapons dealer's license shall be purely a personal privilege and shall expire at the end of the standard license term occurring next after issuance unless sooner revoked. It shall not constitute property, shall not be subject to attachment, garnishment or execution, and shall not be alienable or voluntarily or involuntarily transferable.

Sec. 22-364. Conditions for issuance and maintenance of license. A weapons dealer's license shall not be issued to, or maintained by, a licensee unless the following conditions are met:

A. *Qualifications.* The licensee and all employees actually involved in the sale or handling of any inventory specified in this article herein must be (i) at least twenty-one (21) years of age and (ii) certified by the Village Chief of Police or his or her designee, as being reasonably knowledgeable about the use and operation of such weapons and (iii) have successfully passed a criminal background investigation, and any other applicable requirements of the United States, the State of Illinois, Village and any other jurisdiction having authority over the premises where the licensee is conducting a weapons dealer's business.

B. *Storage of inventory.* All inventory subject to this article shall be stored, maintained and displayed in locked cases at all times.

C. *Separate register.* A separate register shall be provided and used for all transactions related to the inventory subject to this article.

D. *Release required; FOID requirements.* The licensee shall require the purchaser of each firearm or ammunition to sign a release statement certifying that the purchaser is familiar with, and reasonably knowledgeable about, the use and operation of such firearms and ammunition and is authorized to possess such firearms and ammunition as set forth in state law, as may be amended from time to time.

E. *Inspections.* The licensee shall permit the Village to inspect, during regular business hours, all records relating to the sale of firearms required to be maintained pursuant to the Federal Firearms Act, the Federal Gun Control Act, the State of Illinois, and any rules prescribed by the Department of Treasury, Bureau of Alcohol, Tobacco Firearms and Explosives.

F. *Alarm system.* The licensee shall maintain an operating twenty-four (24)-hour burglar and fire alarm system on the licensed premises and the alarm must be registered with the Village Police Department.

G. *Zoning.* A licensee hereunder may locate its business as a special use in the Village's B-3 General Business District, subject to the requirements of the Zoning Ordinance of the Village of Norridge, as amended.

H. *No expansion.* A licensee may not expand its operation beyond boundaries of the premises described in the license application.

Sec. 22-365. Report of sale.

Every weapons dealer licensed pursuant to this article shall make out and deliver to the Village Chief of Police every day before the hours of 12:00 noon, a legible and correct report of every sale or gift made under authority of such license during the preceding 24 hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee with his address and age, his nationality and citizenship, the number, kind, description and price of such weapon, the number of the purchaser's permit and the purpose given by such person for the purchase of such weapon, which report shall be substantially in the following form:

Number of permit.....

Number of weapon
Name of purchaser.....
Address of purchaser

Citizen or alien

If alien, name of country subject of

Age of purchaser.....

Kind or description of weapon

For what purpose purchased

Price

If no such sale has been made during the preceding twenty-four (24) hours, then it shall not be necessary to file the report for such period.

Sec. 22-366. Denial; revocation.

A license issued pursuant to this article may be temporarily suspended, or revoked, or an application for issuance or renewal of a license may be refused by the Village if:

- A. The application for the license contains any false, fraudulent or misleading material statement; or
- B. The license applicant has made any false, fraudulent or misleading material statement, or has been convicted of perpetrating a fraud upon any person or has committed a felony; or
- C. The license applicant has conducted any business in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public; or
- D. The licensee has violated any of the provisions of this article or of any other code, ordinance, resolution, rule or regulation of the Village.

An applicant or licensee aggrieved by the action of the Village in refusing to issue any license or in suspending or revoking any license already issued shall have the right to appeal such decision in accordance with, and as provided by, section 22-367 below.

Sec. 22-367. Administrative appeal.

- A. *Procedure.* If any license issued hereunder shall have been suspended or revoked, the licensee shall be notified in writing of the reasons for such denial, suspension or revocation

by the Village. Within ten (10) days thereafter, the licensee may request an administrative hearing pursuant to Chapter 2, Article VII of the Code.

B. *Revocation.* If the hearing officer is satisfied that such applicant or licensee has violated any provisions of this article, he or she may revoke the license of such person for the selling of such weapons. In such a case, the money paid for such license shall be forfeited to the Village, and no other such license shall be issued to such licensee.

Sec. 22-368. Construction. Nothing in this article shall be construed or applied to necessarily require or excuse noncompliance with any provision of the laws of the State of Illinois or to the laws of the United States. This article and the penalties prescribed for violation hereof, shall not supersede, but shall supplement all statutes of the State of Illinois or of the United States in which similar conduct may be prohibited or regulated.

Sec. 22-369. Severability. If any provisions of this article or the application thereof to any person or circumstance is held invalid, the remainder of this article and the applicability of such provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

Sec. 22-370. Preemption. This article shall preempt all Cook County licensing or other regulatory schemes for weapons dealers. As provided in Article VII, Section 6(c) of the State of Illinois Constitution of 1970, if a county ordinance conflicts with an ordinance of a municipality, the municipality's ordinance shall prevail within its jurisdiction.

Section 3.

Chapter 38, Section 22 be and hereby is amended as follows:

Sec. 38-22. Businesses.

The fines, fees or charges required by or referenced in Chapter 22 are as follows:

[. . .]

<i>Category</i>	<i>Annual Fee</i>
Weapons, guns, firearms	475.00

[. . .]

Section 4.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section 5.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6.

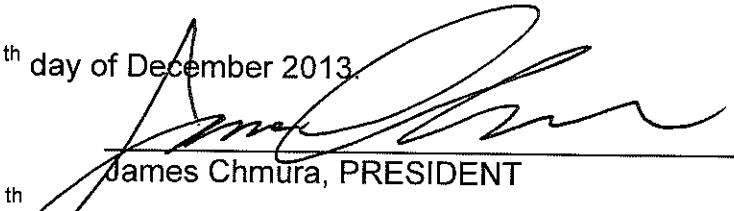
This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the President and Board of Trustees of the Village of Norridge, Cook County, Illinois, this 11th day of December 2013.



Debra J. Budnik, VILLAGE CLERK

APPROVED by me this 11th day of December 2013.



James Chmura, PRESIDENT

PUBLISHED by me this 11th day of December 2013 in pamphlet form.



Debra J. Budnik, VILLAGE CLERK